



U.S. Customs and Border Protection

U.S. Border Patrol – Tucson Sector

Tohono O'odham Nation Briefing Document

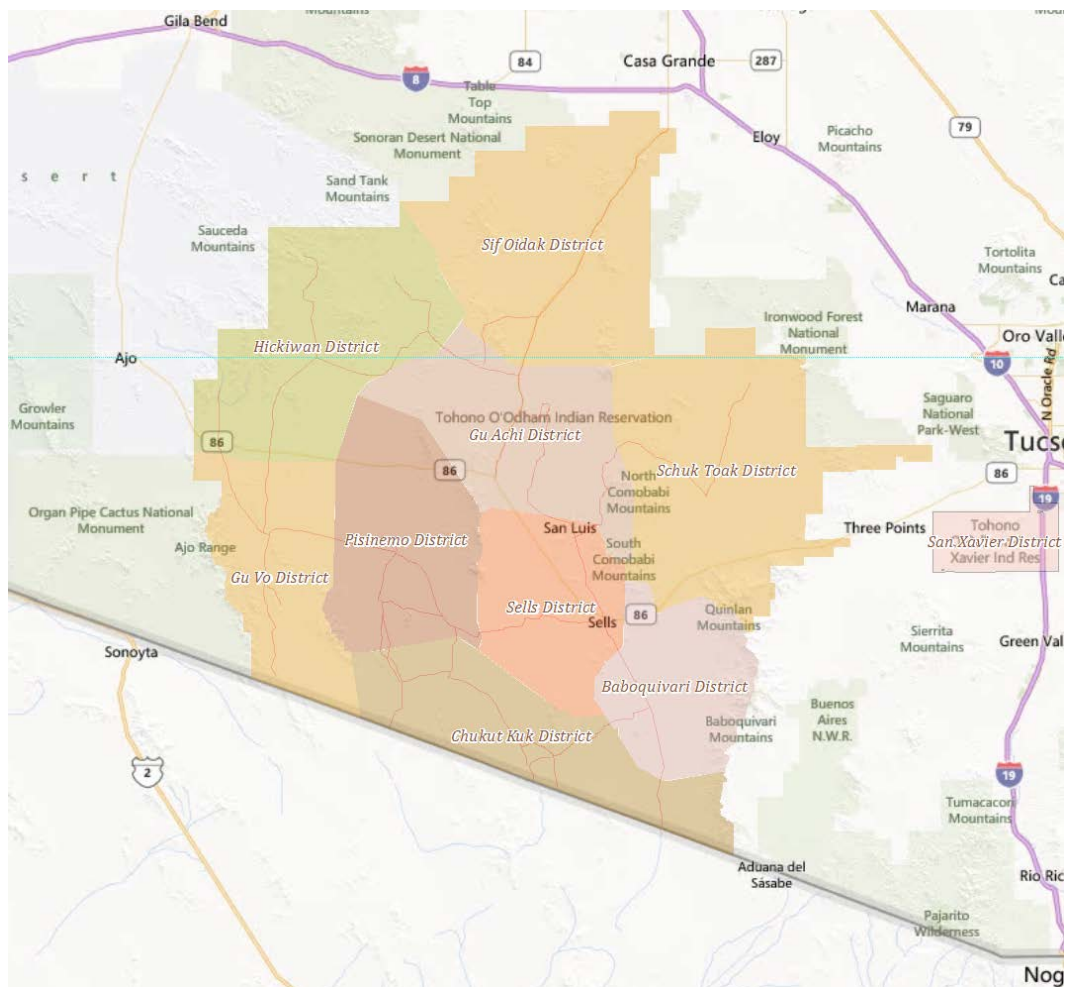
February 6, 2017

Situation

The Tohono O'odham Nation is a reservation residing on a portion of its people's original lands in the Sonoran desert. The land area includes more than 4,400 square miles and is the third largest Indian reservation in the United States. There are currently approximately 30,000 enrolled tribal members, with about 20,000 living on tribal lands.

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The Nation is comprised of 11 Districts as shown on the map below:



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While the majority of the 30,000 Tohono O'odham reside on the Nation or in neighboring areas in southern Arizona, there is also a population of about 1,500 living in nine small communities in northern Sonora, Mexico.



About the Tohono O'odham Nation

The Tohono O'odham Nation is a federally-recognized tribe that includes approximately 30,000 members occupying tribal lands in Southwestern Arizona. The Nation is the second largest reservations in Arizona in both population and geographical size, with a land base of 2.8 million acres and 4,460 square miles, approximately the size of the State of Connecticut. Its four non-contiguous segments total more than 2.8 million acres at an elevation of 2,674 feet. The Nation comprises 62 border miles, but they claim 75 derived from the width of the Nation at its widest point.

Location

The lands of the Nation are located within the Sonoran Desert in south central Arizona. The largest community, Sells, functions as the Nation's capital. Of the four lands bases, the largest contains more than 2.7 million acres. Boundaries begin south of Casa Grande and encompass parts of Pinal, Pima and Maricopa Counties before continuing south into Mexico. San Xavier is the second largest land base, and contains 71,095 acres just south of the City of Tucson. Smaller parcels include San Lucy District located near the city of Gila Bend and Florence Village, which is located near the city of Florence.

The Great Seal

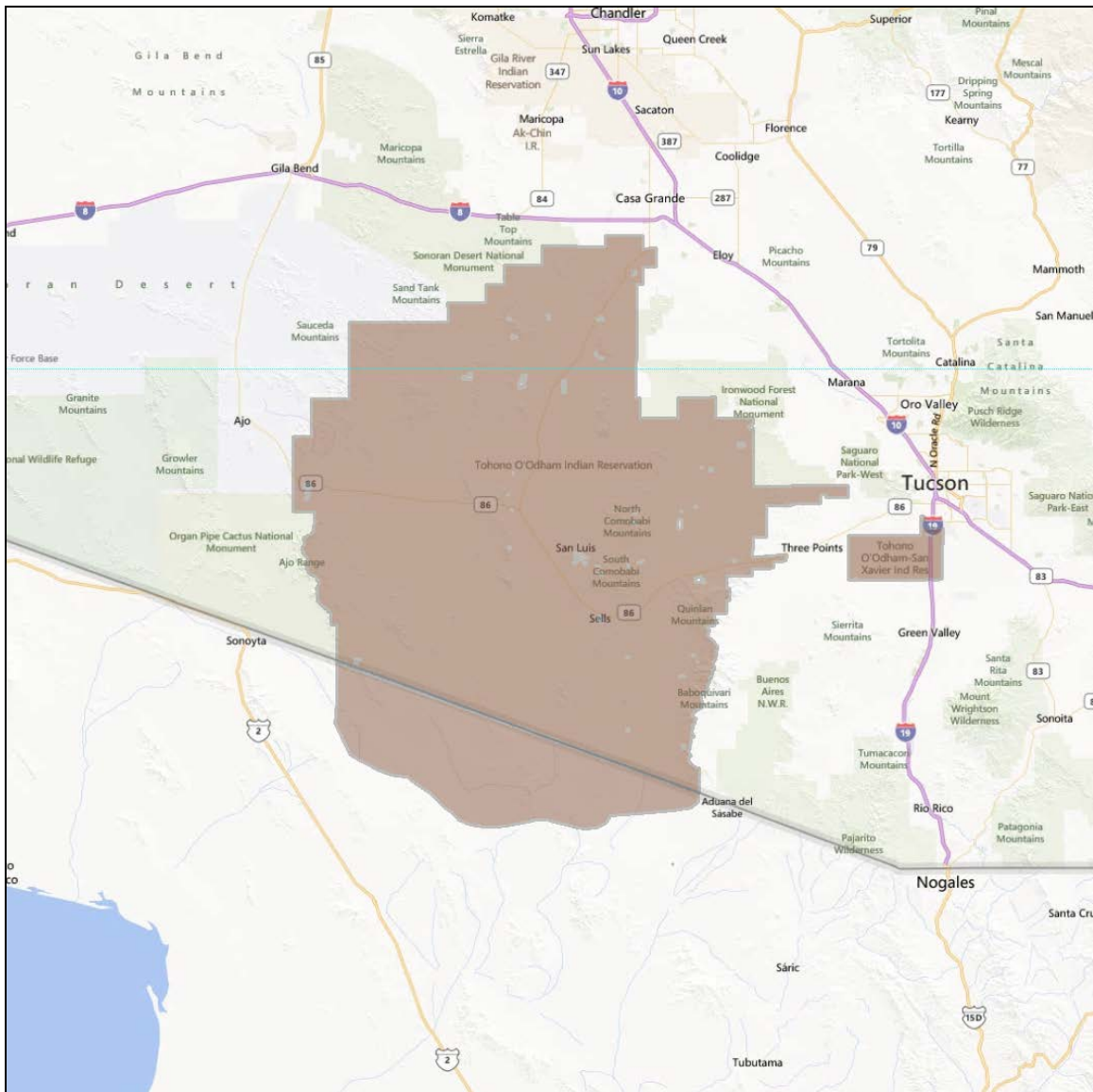
The Great Seal of the Nation consists of items that are symbolic to the Tohono O'odham. Starting from the outside of the Seal is a purple border containing the words "Great Seal of the Tohono O'odham Nation". Inside the yellow border there are eleven stars which represent one of the eleven districts of the Tohono O'odham Nation: Pisinemo, Hickiwan, Gu Vo, Chukut Kuk, San Lucy, San Xavier, Baboquivari, Sif Oidak, Schuk Toak, Sells and Gu Achi. At the bottom of this border are the dates 1937-1986. 1937 is the year in which the original constitution and by-laws of the Papago Tribe was approved by the United States Department of the Interior. 1986 represents the year in which the Nation adopted a new constitution and changed its name from the Papago Tribe to the Tohono O'odham Nation. The inside picture has a view of the sacred mountain, Baboquivari Peak, home of I'toi. Also in view is a saguaro, prickly pear and barrel cactus from which the O'odham pick fruit and have various uses from each of these cactus to cook and use for building materials.

Historical Context

The Tohono O'odham's traditional lands included areas in both the United States and Mexico. The 1853 Treaty of La Mesilla placed the United States / Mexico border across this area.

The map bellows shows the Tohono O'odham Nation in the United States and Mexico (*the Mexican government does not recognize this area as Indian land*).

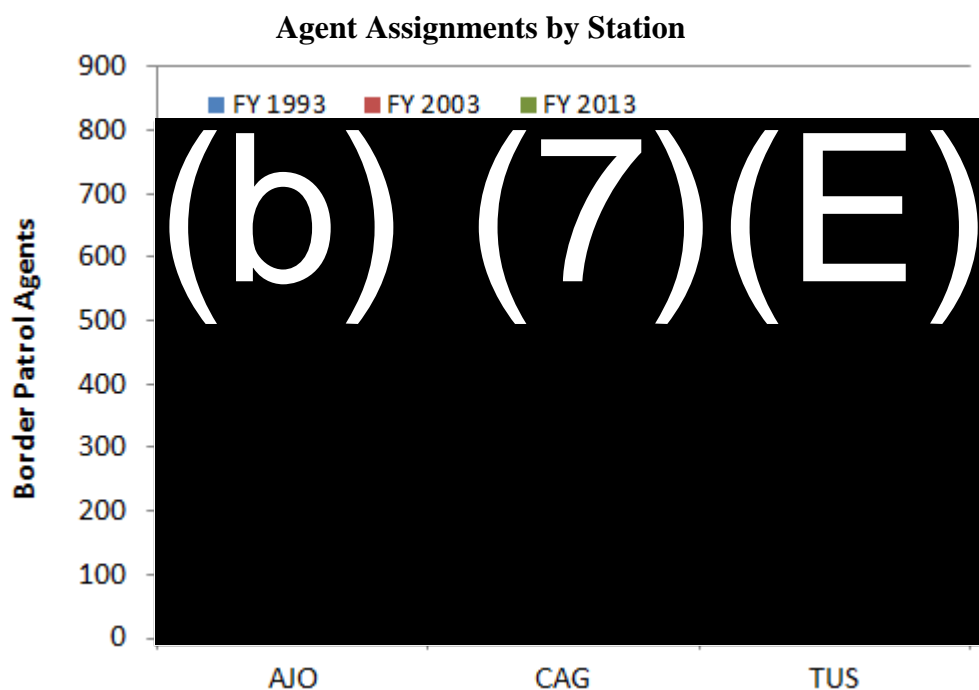
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Unlike aboriginal groups on the U.S. northern border, the Tohono O'odham were not given dual citizenship. Even so, members of the Nation moved freely across the border for decades to work, participate in religious ceremonies, receive medical care, and visit relatives.

Since the late-1980s however, stricter border enforcement has restricted this movement. This remains a cause of resentment to tribal members and strains community relations.

Tribal members today are also much more likely to encounter Border Patrol agents than in previous years. Twenty years ago, fewer than (b) (7)(E) agents were assigned to the (b) (7)(E) Stations, the stations which patrol along the Tohono O'odham Nation. There are more than (b) (7)(E) today. This is shown graphically below:



In addition to the more than (b) (7)(E) increase in agents patrolling the area, the Tucson Sector operates tactical checkpoints on (b) (7)(E). The checkpoints are also a cause of resentment among many tribal members.

Situation Today

The Tucson Sector has made significant progress with tribal relations and community outreach to the Tohono O'odham Nation over the past several years. Some indicators of this success can be seen in the following:

- *Integrated Fixed Tower Project* – Following hundreds of hours of outreach seven of the Tohono O'odham Nation districts have approved resolutions of support for the planned IFT project. Two districts oppose, while the remaining two have taken a stance of No Position, since there are close familial ties with the main dissenter for the IFT project (Gu Vo District). The Tohono O'odham Nation has passed three resolutions authorizing site surveys, environmental, and geotechnical studies have been authorized. Pending findings of “No Significant Impact”, a final resolution authorizing construction will be sought and is expected to be approved.

The political view of the Nation members is currently one of opposing the proposed “Border Wall”. Construction of a physical barrier (ie: Pedestrian fence) is going to negatively impact the progress on getting final approval for the IFT Project on the

Nation. The Nations Vice-Chairman Verlon Jose himself has publicly voiced his opposition to the Border Wall on the Nation.

The value of the extensive efforts that Tucson Sector has invested in community outreach for this project should not be underestimated. While initially viewed as intrusive “spy towers” many Tribal members now understand the valuable role the technology will play in improving border security in their communities and have offered their unwavering support.

- *Long-Term Lease for Camps and FOBs* – Following extensive outreach, long term leases were granted the (b) (7)(E) FOB, the (b) (7)(E), and for upgrades/expansion at the San Miguel Law Enforcement Center (LEC). Outreach efforts included conducting tours at FOBs and camps throughout the Sector to give Tribal leaders and members a clear idea of what was envisioned on their land.
- *Tactical Infrastructure Improvements* – Because of the improved working relationship between the Border Patrol and the (b) (7)(E) District, Temporary Vehicle Barrier (TVB) have been expanded and installed in the (b) (7)(E). Additionally, Tucson Sector worked with Nation Ranchers in the (b) (7)(E) to address a cattle rustling problem by repairing and improving the barbed wire international border fence. Approximately (b) (7)(E) miles of fencing has been improved. Coordination has just begun with the (b) (7)(E) District on similar projects.
- *Improved Relationship with Tohono O'odham Police* – While previously tenuous, the working relationship between Border Patrol field agents and TOPD officers has never been better. Agents are quick to respond to TOPD calls for assistance and TOPD while (b) (7)(E) is also responding in a timely manner.

While progress has been made, a number of challenges remain, evidenced by continuing complaints voiced by tribal members. The majority of the complaints are consistent with the increased number of Border Patrol agents working on the Nation and concern:

- Perceived harassment of tribal members by agents during checkpoint encounters and roving patrols;
- Agents' speeding; and
- Agents' perceived failure to respect the Nation's environmentally and culturally sensitive lands.

Frustrating to Nation members is that the same types of complaints continue to be made with no apparent improvement. The following initiatives outlined in this document should help mitigate the ongoing issues between the Border Patrol and the Tohono O'odham Nation.

Complaints and Complaint Management

Tribal members and leaders have expressed frustration and often believe that there is no action taken to many of their complaints. This is especially true in instances where they report agents speeding and believe they are being harassed at checkpoints and roving patrol encounters. Most tribal leaders understand they will not be given the specific action taken in response to individual complaints, but when they don't perceive the situation as improving, they get the impression that no action is being taken to address their complaints.

The Tucson Sector implemented the Complaint Management System and was provided to the Tohono O'odham Nation leadership and its District Chairs to disseminate to their constituents.

- *Complaint Management System* – The electronic *RightNow* Complaint Management System (CMS) has been instituted in an effort to track and manage complaints. Complaints are introduced in a number of different ways including a call to the Complaint Management System (CMS) toll-free number or via a website. For the less technical savvy, complaints can continue to be made directly to the Border Patrol Station, Sector or to a tribal liaison agents.

The CMS allows management visibility on all complaints. This helps to ensure that follow up action is taken on all complaints as well as provide a single system of record to document complaints.

- *Following Up and Feedback on Complaints* – Station personnel provide feedback to complainants via phone calls or face to face meetings. This feedback is documented in the CMS.

Additionally, station leadership provide a synopsis of recent complaints at District and Community meetings and actions taken to mitigate those complaints.

Communication with these groups will assist in enhancing communication and fostering better working relationships with Sector personnel. Through these efforts, The Sector will more effectively message the Border Patrol mission, authorities and operations on the Nation. The FCB will utilize a variety of media to communicate Border Patrol law enforcement methods on the Nation such as checkpoint operations and line watch activities.

- Quarterly Briefings- Sector Headquarters briefs TO Nation leaders on current statistics and trends. They also listen to any proposed ideas that will better the working relationship and any additional questions or concerns.
- Inter-Agency Meetings- The (b) (7)(E) station leadership meet bi-weekly with TOPD Command Staff to share intelligence, current and future trend analysis on illicit activity.

- *Outreach at Tribal Legislative Council Meetings* – Members of the Sector and station command staff regularly attend Tribal Legislative Council meetings. Two Legislative Representatives from each of the Nation's eleven districts are in attendance as well as Executive leadership. Sector personnel provide briefings on enforcement operations and plans that will impact the Tohono O'odham Nation. The interactive sessions also allow Tribal and District leadership to ask questions and offer input.
- *Town Hall Meetings* – The Tucson Sector FCB facilitated three Town Hall Meetings on the Tohono O'odham Nation. These meetings provided an opportunity for Sector and station leadership to educate community members on ongoing law enforcement operations as well as allowing the public a forum to express their concerns and questions and complaints.
- *Citizen's Academy* – Both the (b) (7)(E) Stations continue to conduct Citizen's Academy classes. These two to six day classes are intended to give participants a greater understanding of the mission of CBP. Topics include:
 - Meet and greet station leadership;
 - Station tour;
 - Border Patrol operations history including checkpoint operations;
 - Surveillance technology discussion, demo, and visit to sites;
 - Introduction to specialty units (b) (7)(E);
 - K-9 Demonstration and discussion; and
 - Q & A session.
- *Operation Detour* – Both the (b) (7)(E) Stations conduct Operation Detour presentations at tribal schools when permitted by the Nation school superintendent.

The (b) (7)(E) Station currently conducts reading programs in local elementary schools as well as other after school programs. The station engages with the Nations school district personnel as well as the Tohono O'odham Police Department school resource officer to explore avenues to increase involvement in tribal schools.

Community Involvement

In an effort to become more involved in the communities in which we work, when invited, station personnel participate in local events. These events include the Tohono O'odham Rodeo (Adult and Junior), Halloween Carnival, District Days, Police Week, Sif Oidak Christmas Event and Angel Tree projects, along with the Toys for Tots program with TOPD.

As an indicator of improving community relations, border patrol agents that work on the Nation are regularly invited to attend a Thanksgiving Feast and Christmas feast dinner in the San Miguel Community. The agents who attended reported that most community members were genuine and welcoming, and they thought that it went very well.

Cultural Awareness / Agent Training / Professionalism

- *Cultural Awareness Training* – A 2-3 hour cultural awareness course has been developed by the Tohono O'odham Cultural Center staff and is presented to groups of approximately 20 agents at the Nation's Cultural Center & Museum. This highly interactive session has been very well received by the field agents, supervisors, and command staff who have participated and left with a much better understanding of the O'odham people, their history, and customs.

Tucson Sector is working with the Cultural Center on an abbreviated, recorded muster module as well. While this will not replace the longer training session, it will allow a wider audience to receive some of the information.